

of more clearly defining Applicants' invention and are not believed necessary to distinguish those claims over the art of record.

Claims 47-61 have been deemed allowable once a terminal disclaimer is entered in this case. By this amendment, claim 79 has been cancelled. This leaves claims 47-78 and 80-104 pending in this application.

The non-statutory double patenting rejection of claims 47-104 will be addressed by an appropriate disclaimer to be filed after issues of allowability of claims 62-78 and 80-104 have been resolved.

Applicant's undersigned representative appreciates the Examiner's courtesy and assistance rendered during a personal interview held August 15, 1997. During this interview, agreement was reached that the Sakai reference does not teach format checking. A fortiori, Sakai does not teach formatting of the image memory for direct compatible use with an information handling system based upon such checking.

Claims 56-61, 62-65, 66-68 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed.

The Examiner's remarks concerning absence of the term "comprising" in the preamble of claim 66 is not understood. Applicants' representative is unaware of any legal requirement for using the term in a patent claim. It is believed that the second and third paragraphs of claim 66 clearly set forth the claim elements associated with the preamble of this claim.

The same remarks apply to claim 82 as originally filed.

The Examiner's assertions with reference to claims 56, 62, 69, 79, 80 and 83 are likewise not understood. At the outset it is noted that claim 56 is not a method claim.

The Examiner asserts that the method claims 62, 69, 79, 80 and 83 recite a method claim without steps. An examination of each of these claims clearly shows that steps are set forth. For example, in claim 62 it is clear that the process comprises the steps of "storing", "formatting", and "storing". If the Examiner's objection is based upon the fact that the word "steps" is not used in these claims, it is respectfully submitted that there is no legal requirement for such a word in a method or process claim under the patent statutes or Office rules of practice.

Claims 62-67, 69, 70, 72-75, 79-88, 90, 91, 93 and 96-104 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 5,231,501 to Sakai. The rejection is respectfully traversed.

Sakai does not have the capability of storing a plurality of computer-ready, digitized frames of image data on a removably mounted memory element located in the image capturing device itself - i.e. in a housing thereof. As a result, Sakai requires that its camera always be cabled to a PC for downloading of image data.

Applicants' claimed device and method, by distinction, does not require a cable to download image data to a PC. The claimed device instead stores a plurality of computer-ready digitized images on removable mass memory elements in the device housing. These mass memory elements can be removed from the device and directly inserted into a PC for printing, display or further processing.

Applicants' approach allows a user to take a group of memory elements, such as floppy disks, to a photo processing center for printing, rather than requiring taking the whole camera in for downloading as required by devices such as disclosed by Sakai. Applicants' approach also allows a user to download images from mass memory elements to a PC without the need to hook up a cumbersome tethering cable to the back of the PC as required by devices as disclosed by Sakai for downloading of image data.

Applicants' format checking means is internal to the image capture device, such as a camera. Sakai, on the other hand, refers to PC 63 of Fig. 7 as being an "external image processing device" (column 1, lines 55-66). It is therefore believed the Examiner is citing elements in the PC disclosed in Sakai in addition to elements disclosed in an image capture device, such as a camera. Applicants, on the other hand, claim their combinations of apparatus and processing steps in the image capture device itself - i.e. in a housing thereof. Therefore, independent claims 62, 66, 69, 72, 75, 80, 88, 96, 99 and 102, in calling for processing the image data and formatting same in a directly compatible format with an image processing device such as a computer, are clearly distinguishable over the teachings of Sakai and are therefore believed to be in condition for allowance.

With reference to the Examiner's specific remarks over claim 66, interface 175 of Sakai is merely a dedicated input/output port which functions to convert stored image data for transmittal to an external PC in accordance with standard PC communication protocols (see Sakai, column 8, lines 45-50). Interface 175 of Sakai thus does not perform data file formatting comparable to that performed and as claimed in Applicants' digital control unit 9, as the Examiner suggests. While Sakai does comment that digital image signals stored in RAM 47 are "processed to be digital image signals which can be output to the personal computer by digital signal processor circuit 53" (column 4, lines 46-61; column 5, lines

23-26; column 8, lines 41-44) Sakai is silent as to actually precisely what is going on with DSP 53. Absent such specificity of the disclosure of the way that DSP 53 is processing, it is respectfully submitted that anticipation of Applicants' specifically recited claim limitations is improper. Indeed, the reason Sakai is silent in this regard, is because formatting of a digital image memory element is not required in Sakai's dedicated device. Hence, Sakai teaches away from Applicants' claimed formatting invention.

Applicants' device stores a format code 57 with the formatted image data on the removable memory element, wherein the code, or tag, indicates the type of information handling system with which the image data is to be used. Sakai does not teach, claim or even suggest the use of such format codes.

With respect to the Examiner's remarks over pending claim 67, it is respectfully pointed out that claim 67 is directed to first checking the format of a memory element and then reformatting the memory element, as necessary. The Examiner has agreed at the interview that Sakai is devoid of such checking.

DSP 177 (or DSP 53) of Sakai processes image data and acts as a controller for ADC 171, RAM 173 and interface 175 (column 5, lines 23-26; column 8, lines 26-30). RAM 173 is an integral, dedicated memory in the Sakai I/O adaptor 161, and, as such, requires no format checking or initialization. Sakai does not disclose, teach or suggest that format checking of RAM 173 is implemented.

Even under the improper interpretation of combining PC 63 with the image capturing device, Applicants' claimed image capturing device differs from the disclosure of Sakai in the following respects:

a.) Applicants' format checking means comprises digital control unit 9 which is internal to the image capturing device and is the same means used for formatting the image data (except with different program routines). Sakai refers to PC 63 of Figure 7 as being an "external image processing device" (column 1, lines 55-66).

b.) Applicants' control unit 9 can reformat the memory element whenever desired, such as, for example, upon detection of a format error.

With respect to claim 69, Sakai neither teaches nor suggests:

a.) a separate format indication distinct from the format algorithm used by the image capture device's controller to properly format the digital image data;

b.) storing the format indication with the formatted image data in the memory device; or

c.) a digital memory element used for storage which is removably mounted to the image capturing device.

With respect to claims 72-75, Applicants' translator differs from any teaching of Sakai, in that both of the input and output memory elements are removably mounted to the translator. The same comments are applicable to independent claim 80.

With respect to the Examiner's remarks over claims 82-87, it is respectfully noted that Sakai does not provide any specific description of just what DSP 177 and interface 175 do in processing image data. The most that Sakai discloses is that image data is processed such that it "can be outputted to the personal computer" (column 8, lines 41-44). Hence, Sakai does not teach, claim or suggest the following features claimed herein:

- a.) generating a corresponding picture size indication;
- b.) retrieving format determining code from the memory;
- c.) logic means responsive to picture size means and format means; or
- d.) combining and storing picture size indication and format data together.

With respect to claim 88, Sakai does not teach, claim or suggest a "plurality of different output data format codes prerecorded in said camera", either inherently or otherwise. Sakai is a single format, dedicated machine.

Independent claims 82, 83 and 84 additionally call for generation of a picture size indication. Again, there is no teaching or suggestion of such claimed limitations in Sakai.

Claim 88 is further distinguishable for the concept of selecting one of a plurality of format codes in the image capture device.

Claims 76, 77 and 78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakai. The rejection is respectfully traversed.

Claims 76, 77 and 78 each directly depend from claim 75 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to claim 75.

Claim 68, 71, 89, 92, 94 and 95 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakai in view of U.S. Patent No. 5,032,927 to Watanabe et al. The rejection is respectfully traversed.

Claim 68 depends from claim 66 and is believed to be in condition for allowance for the reasons set forth above with respect to claim 66.

Claim 71 depends from claim 69 and is therefore believed to be in condition for allowance for the reasons set forth above with respect to claim 69.

Claims 89, 92, 94 and 95 depend directly or indirectly from claim 88 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to claim 88.

All remaining pending claims, either as amended herein or as previously submitted, are believed to be in condition for allowance, early acknowledgement of which is earnestly solicited. Should the Examiner feel that personal contact with the undersigned representative would lead to an expedited successful resolution of this case, the Examiner is requested to contact the undersigned at his earliest convenience.

Respectfully submitted,

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